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LARSON NEWMAN ABEL & POLANSKY, LLP
5914 WEST COURTYARD DRIVE
SUITE 200
AUSTIN, TX 78730

EXAMINER	
BRADLEY, MATTHEW A	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

CONTINUATION OF REQUEST FOR RECONSIDERATION/OTHER

Response to Arguments

Applicant's arguments filed 27 April 2009 have been carefully and fully considered but they are not persuasive.

With respect to Applicant's argument located within the last full paragraph of the first page of the instant remarks (numbered as page 2) which recites:

> *"There is no disclosure in Brady that the request is associated with buffer requirements for an active module of a plurality of modules of a multiple function integrated circuit in any manner."*

The Examiner respectfully disagrees and notes that it is the combination of Chrisop and Brady that obviate that which is instantly claimed. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

With respect to Applicant's argument located within the last full paragraph of the first page of the instant remarks (numbered as page 2) and continuing through to the first paragraph of the second page of the instant remarks (numbered as page 3) which recites:

> *"Thus, even if Chrisop and Brady were combined as proposed, the proposed combination would not allocate buffer space based on buffer requirements for an active module as proposed by claim 1. Instead, the proposed combination would either allocate buffer space based on user requests, as taught by Chrisop (see Chrisop, Abstract) or would allocate buffer space in response to a request from a processor, as taught by Brady at column 2, lines 57-62. Neither Chrisop nor Brady provides any teaching of allocating buffer space based on buffer requirements for an active module of a plurality of modules of the multiple*

> *function integrated circuit. According, the proposed combination of references also fails to teach allocating buffer space based on buffer requirements for an active module of a plurality of modules of a multiple function integrated circuit, as provided by claim 1."*

The Examiner respectfully disagrees and notes that the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). In particular, Applicant's argument amounts solely to conjecture as to how the references may or may not have been combined without providing any evidence in support of such an assertion. One of ordinary skill in the art at the time of invention, having both the teachings of Chrisop and Brady before him/her, would have been motivated to combine the two references as suggested in the Office Action dated 26 February 2009.

With respect to Applicant's argument located within the first full paragraph of the second page of the instant remarks (numbered as page 3) which recites:

> *"Thus, even assuming arguendo that Chrisop discloses "identifying an active module" as provided by claim 1, and Brady discloses determining buffer requirements, the Office has failed to establish that either reference discloses or renders obvious "allocating memory space ... based on the buffer requirements" as recited by claim 1."*

The Examiner respectfully disagrees. As Brady teaches allocation in response to a request from a executing procedure (Brady: Column 2 lines 57-59 i.e. allocation based on the request), when Brady is combined with Chrisop as suggested in the Office Action dated 26 February 2009, the requests for memory allocation are then based on

requirements for an active module of a plurality of modules of a multiple function integrated circuit as taught in Chrisop.

With respect to Applicant's argument located within the second full paragraph of the second page of the instant remarks (numbered as page 3) and continues through to the third page of the instant remarks (numbered as page 4) which recites in part:

> *"In addition, as explained in the Previous Response, one skilled in the art would not combine the references as proposed because doing so would render Chrisop unsuitable for its intended purpose ... Thus, the cited paragraph discloses that a particular allocation can be smaller than a requested size. However, as explained above, the proposed combination of Chrisop and Brady would result in allocations that are larger than a requested size. This is inconsistent with the express purpose of Chrisop and therefore one skilled in the art would not make the combination."*

The Examiner respectfully disagrees. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, the Examiner notes and wishes to draw attention that Chrisop teaches that the allocator operates within predetermined ***ranges*** to limit each RAM allocation (Paragraph 0028). As Brady allocates a buffer that is of the next larger size, the Examiner believes that any resulting allocation of the combined teachings of Chrisop and Brady is then within the prescribed range as set forth in Chrisop. As

Chrisop may appear to limit each RAM allocation, the resulting allocation is still within a range when the resulting allocation is larger.

With respect to Applicant's argument located within the first full paragraph of the fourth page of the instant remarks (numbered as page 5) which recites:

> *"Neither the cited paragraph, nor any other portion of Chrisop or Brady discloses or renders obvious determining buffer requirements in response to determining a change in a mode of operation as recited by claim 4."*

The Examiner respectfully disagrees. The Examiner again notes that as taught in Chrisop, Paragraph 0035, priorities may be assigned to various components of the system such that when memory contentions arise, the component with a higher priority will have precedence for memory. Thus, multiple functions can operate within the system of Chrisop. Chrisop then, with the combined teachings of Brady, will then determine the requirements for other modules as they begin to operate and potentially give priority to that function with respect to memory allocations should the need arise.

With respect to Applicant's argument located within the first paragraph of the fifth page of the instant remarks (numbered as page 6) which recites:

> *"The Office asserts that a personal data assistant is admitted prior art. However, claim 3, in combination with the features of claim 1, provides that the personal data assistant is a selected mode of a multiple function integrated circuit and recites identifying at least one active module of a plurality of modules of the multiple function integrated circuit device. These features are not admitted to be prior art in the Specification. Thus, the features of claim 3 are not admitted prior art as asserted by the Office."*

The Examiner respectfully disagrees. The Examiner notes that not all of the features of dependent claim 3 are admitted prior art when taken in combination with its base claim, independent claim 1. However, as noted in the Office Action dated 26

February 2009 the combination of Chrisop and Brady obviate independent claim 1 and Applicant's admitted prior art in combination with Chrisop and Brady, obviate dependent claim 3.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew Bradley whose telephone number is (571) 272-8575. The examiner can normally be reached on 6:30-3:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Ellis can be reached on (571) 272-4205. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KLE/mb

/Kevin L Ellis/

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